



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Mark Green
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Green:

This letter responds to your letter of May 17, 2006, to the Attorney General regarding a decision by the Wisconsin State Elections Board to allow an individual to register to vote on election day using the last four digits of his/her social security number where the individual has been issued a current and valid state driver's license or state identification card but cannot or does not provide that number on election day. In particular, you express concern regarding whether such a decision contravenes Section 303(a)(5)(A) of the Help America Vote Act ("HAVA"), 42 U.S.C. § 15483(a)(5)(A), with respect to elections for Federal office. Thank you for bringing your concerns to our attention.

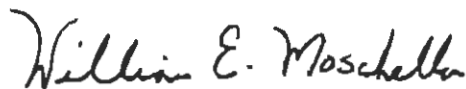
HAVA provides that an application for voter registration for an election for Federal office cannot be accepted or processed by a State unless the application includes a driver's license number if the applicant has been issued a current and valid driver's license. For an applicant who does not have a driver's license, but does have a social security number, the State cannot accept or process an application that does not include the last four digits of the applicant's social security number. 42 U.S.C. § 15483(a)(5)(A)(i). If an applicant has not been issued either a current and valid driver's license or a social security number, the State shall assign to that applicant a unique identifying number for voter registration purposes. 42 U.S.C. § 15483(a)(5)(A)(ii).

As the Department indicated in detail in its March 31, 2006, letter to you, the Civil Rights Division has been carefully following the State Elections Board's policy announcements of January 18, 2006, March 22, 2006, and, most recently, May 17, 2006, with regard to election day registrants in Wisconsin who have been issued state driver's licenses or identification cards and whether they need to provide those numbers when they register to vote on election days. Although longstanding Departmental policy prohibits us from discussing pending or possible litigation, the Civil Rights Division is actively seeking to ensure compliance with the requirements of HAVA.

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Please let us know if the Department can be of further assistance in this or any other matter.

Sincerely,

A handwritten signature in black ink, reading "William E. Moschella". The signature is written in a cursive style with a large initial "W".

William E. Moschella
Assistant Attorney General